

# Court of Appeals, State of Michigan

## ORDER

Brownstown Charter Township v Farm Bureau Ins Co

Docket No. 279794

LC No. 07-703166-AV

Christopher M. Murray  
Presiding Judge

Michael J. Talbot

Kirsten Frank Kelly  
Judges

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In lieu of granting the application, the Court orders, pursuant to MCR 7.205(D)(2), that the July 17, 2007, order of the Wayne Circuit Court reversing the grant of summary disposition to plaintiffs hereby is REVERSED. Even taking the facts in a light most favorable to defendant, the facts reflect that the police cruiser, parked in the traveled portion of the roadway while assisting another vehicle that had slid on black ice, and with its emergency lights flashing, did not pose an unreasonable risk of the property damage that resulted. See *Stewart v State of Michigan*, 471 Mich 692; 693 NW2d 376 (2004). The Court affirms the denial of attorney fees pursuant to MCL 500.3148(1). The case is REMANDED to the district court for reinstatement of the January 12, 2007, judgment in plaintiffs' favor.

This order is to have immediate effect, MCR 7.215(F)(2). The Court retains no further jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN 10 2008

Date

*Sandra Schultz Mengel*  
Chief Clerk